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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,823

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Michael Charlton Powell

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11/24/2009

COOK ALEX LTD

SUITE 2850

200 WEST ADAMS STREET

CHICAGO, IL 60606

EXAMINER

ANDERSON, AMBER R

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,823	<b>Applicant(s)</b> POWELL, MICHAEL CHARLTON	
	<b>Examiner</b> AMBER R. ANDERSON	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This is in response to RCE filed on September 3, 2009 in which Claims 1-7, 9 and 10 are presented for examination, of which Claims 5 and 10 have been withdrawn from consideration and Claims 1, 4, and 6 have been amended.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 1-4, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho (USPN 4,984,300).**

Regarding Claim 1, Cho discloses a hand-utility interface (10) for use in protecting a user's hand during utility tasks (wherein the device is designed to protect a wearer's hand during karate, a utility task) comprising a foamed block body (Col. 3, lines 47-51) having a plurality of foam finger-receiving channels defined therein (Fig. 1 wherein the thumb portion is one channel and the main portion for the rest of the fingers is a second channel); and palm support means for securing said interface to the palm of a user's hand (18 & 19 wherein the portions engage the palm of the user's hand), the palm support means comprises one or more resilient yokes (37), wherein the foam finger-receiving channels snugly receive the fingers of said user's hand such that in use,

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the palm support means and the foam finger-receiving channels secure the interface to the user's hand (Fig. 6 & 7 wherein the fingers and thumb are shown to be snugly located in the finger receiving channels).

Regarding Claim 2, Cho discloses wherein body defines a uniform work surface (Fig. 2).

Regarding Claim 3, Cho discloses wherein the foamed block body comprises viscoelastic foam material (Col. 5, lines 12-16).

Regarding Claim 4, Cho discloses wherein finger-retaining means are provided to one or more of the foam finger-receiving channels (22, 24, 25).

Regarding Claim 6, Cho discloses wherein said finger-retaining means comprise finger grips provided to the one or more foam finger-receiving channels (22).

Regarding Claim 9, Cho discloses wherein said one or more resilient yokes comprises hinged parts movable from an open to closed configuration (Col. 5, lines 40-48).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (USPN 4,984,300) in view of Pease (USPN 1,528,026).**

Regarding Claim 7, Cho discloses the invention substantially as claimed above. However, Cho does not specifically disclose wherein the foamed block body is symmetric in form such as to be suitable for ambidextrous use. Pease teaches a spongy, i.e, foam like, block body (A) designed to protect a wearer's hand during utility tasks that is symmetrical in form that is suitable for ambidextrous use (Pg. 1, lines 103-106) to make the handling and use of the body more convenient and suitable for multiple users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the body of Cho symmetrical for ambidextrous use, as taught by Pease, to make the handling and use of the body more convenient and suitable for multiple users.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMBER R. ANDERSON whose telephone number is (571) 270-5281. The examiner can normally be reached on Mon-Thur, 8am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AMBER R ANDERSON/  
Examiner, Art Unit 3765

November 19, 2009

/GARY L. WELCH/  
Supervisory Patent Examiner, Art Unit 3765